

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1-14 are all the claims pending in the application. Applicant respectfully submits that the pending claims define patentable subject matter.

Along with this Amendment, Applicant is submitting formal/replacement drawing corresponding to the amended/annotated drawing filed January 13, 2003 which was accepted by the Examiner.

Claims 1-14 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite because (1) the Examiner asserts that the phrase "indication signal" in claims 1, 4, 7 and 10 fails to specifically point out what the signal really indicates; and (2) the Examiner asserts that claims 1, 4, 7 and 10 do not provide a clear relationship between the components of "vocal commanding" and the "indication signal".

With regard to item (1), Applicant has amended claims 1, 4, 7 and 10 to improve clarity by reciting that the indication signal indicates vocal commanding is to be performed.

With regard to item (2), Applicant respectfully submits that the Examiner's position is improper. In particular, Applicant respectfully submits that the claims are both definite and entirely proper under 35 U.S.C. § 112, since those of ordinary skill in the art can easily ascertain the metes and bounds of the present invention from this claim.

The first sentence of the second paragraph of 35 U.S.C. § 112 requires only that claims "set out and circumscribe a particular area with a reasonable degree of precision and particularity." In the absence of evidence to the contrary, what the claim defines is what the applicant regards as his invention. In determining whether claims do, in fact, set out and circumscribe a particular area with a reasonable degree of precision and particularity, the

definiteness of the language employed must be analyzed--not in a vacuum, but always in light of the teachings of the prior art and of the particular application disclosure as it would be interpreted by one possessing the ordinary level of skill in the pertinent art. *In re Moore and Janoski*, 169 U.S.P.Q. 236 (CCPA 1971). If those skilled in the art can tell whether any particular embodiment is within the scope of a claim, the claim fulfills its purpose as a definition. See *In re Miller*, 169 U.S.P.Q. 597 (CCPA 1971).

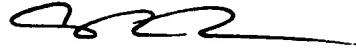
Applicant notes that the Board of Appeals did not object to or indicate any problem in ascertaining the claimed relationship between “vocal commanding” and the “indication signal”. The claims recite “adjusting a variable capacity parameter for said vocal commanding based on said indication signal.” Thus, the claims clearly and simply require that a variable capacity parameter for vocal commanding is adjusted based on an indication signal generated by the terminal. This language is definite such that those skilled in the art would have no trouble determining the metes and bounds of the invention from the pending claims.

In view of the above, the Examiner is requested to remove the § 112, second paragraph, rejection of claims 1-14.

Reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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23373

CUSTOMER NUMBER

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AMENDMENTS TO THE DRAWINGS

Submitted herewith is a replacement sheet for FIG. 1 which corresponds to the amended/annotated drawing filed January 13, 2003 which was accepted by the Examiner.

Attachment: One Replacement Sheet